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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. KOLBE].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 12, 1996.

I hereby designate the Honorable JIM KOLBE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Guam [Mr. UNDERWOOD] for 5 minutes.

ADVANCING THE CAUSE OF POLITICAL STATUS RESOLUTION IN THE TERRITORIES

Mr. UNDERWOOD. Mr. Speaker, in the course of dealing with territorial issues and the resolution of political status for this country's colonial areas, the use of terms has been instructive. At times, the island I represent, Guam, has been referred to by Members of this body as a "territory," "colony," "possession," or "protectorate." In point of fact, Guam is an unincorporated territory of the United States.

The legal implications of this status are important because it helps us un-

derstand the reasons behind an effort to change the status. An unincorporated territory is little more than a colony with a legal title which disguises it. An unincorporated territory means that the territory is owned by the United States and that the Congress has plenary power over it. But it is not incorporated meaning that it is not truly an integral part of the United States.

Unincorporated means that the Constitution is not fully applicable to Guam. Unincorporated means that the territory is not on a path to statehood in the same way that incorporated territories have historically been. Unincorporated means that the Congress can make the most basic decisions about your political existence. And because we have no voting representation in the House or the Senate and because we cannot vote for President, the people of Guam have not truly given their consent to the Government which controls their lives. The most basic tenet of American democracy is that government comes from the consent of the governed. In the case of Guam and other territories, this is not the case. Consequently, the term "colony" is clearly applicable.

It is much to the credit of Congress that this plenary power, which so clearly offends the people of Guam and which should offend any principled American, has generally been used in positive ways; ways which promote the progressive development of the territories. However, there have been occasions when this authority has been used in ways which have been damaging to the territories and countless times when Congress has failed to consider the unique circumstances of the area.

In this context, the terms are important. Guam is not a protectorate which implies total internal sovereignty with some tradeoff agreement for protection. Guam is not a possession which

seems a step below territory. Wake Island is a possession and has no government functioning there. It is managed by a Federal agency.

Guam is an unincorporated territory that is working to establish a new Commonwealth. The Guam Commonwealth Act, H.R. 1056, which I introduced early in the 104th, provides the framework for this new Commonwealth. Governor Gutierrez and the Guam Commission on Self-Determination have been negotiating with the Clinton administration to resolve areas of disagreement. I am encouraged by the commitment shown by the administration's special representative, Mr. John Garamendi, to complete these discussions, but I am mindful of the difficult issues that remain.

Territories as Commonwealths have existed in American history and today we have two—the Commonwealth of the Northern Mariana Islands and the Commonwealth of Puerto Rico. The term implies that there is an agreement to be a Commonwealth on both sides and that this is a step up from unincorporated territory. The legal foundations of this assumption are questionable and are highly dependent upon the specific nature of the agreement which created the Commonwealth.

I will spare no effort to work toward a Commonwealth agreement for Guam because it is a progressive step. But I recognize that it does not answer a fundamental decision about what Guam may be in the future. The Commonwealth is an intelligent response to what we can be in the present. Guam may be a State, may be an independent country, may be a nation in free association with the United States. That is a story waiting to be written and we must be mindful of our responsibility to reserve these possibilities for the people of Guam to decide.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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